

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CHEVRON CORPORATION,

Plaintiff,

v.

STEVEN DONZIGER *et al.*,

Defendants.

11-CV-0691

The Honorable Lewis A. Kaplan, U.S.D.J.
The Honorable James C. Francis, U.S.M.J.

**DEFENDANTS' PROPOSED
PRETRIAL ORDER SUBMISSIONS**

GOMEZ LLC
Attorney At Law
111 Quimby Street, Suite 8
Westfield, NJ 07090
Tel 908.789.1080
Fax 908.789.1081
Email jgomez@gomezllc.com

*Counsel for Defendants
Hugo Gerardo Camacho and
Javier Piaguaje Payaguaje*

STEVEN R. DONZIGER, *pro se*

LAW OFFICES OF
STEVEN R. DONZIGER, P.C.
245 W. 104th Street, #7D
New York, NY 10025
Tel 212.570.4499
Fax 212.409.8628
Email StevenRDonziger@gmail.com

*Counsel for Defendants
Law Offices of Steven R. Donziger, LLC and
Donziger & Associates, PLLC*

Defendants Hugo Gerardo Camacho, Javier Piaguaje Payaguaje, Steven R. Donziger, the Law Offices of Steven R. Donziger, LLC and Donziger & Associates, PLLC (collectively, “Defendants”) hereby respectfully submit their proposed portions of the Joint Pretrial Order. Defendants reserve the right to revise, amend and/or supplement these submissions and to object to any and all submissions or requests by the Plaintiff.

Today Defendants reached out to Plaintiff Chevron Corporation (“Plaintiff” and/or “Chevron”) to propose merging the parties’ respective submissions into a single draft proposed joint pretrial order for the Court. Late on Friday afternoon, Chevron advised the Plaintiff that Chevron would file its own, unilateral pretrial order submission.

Chevron, as the plaintiff in this case, controls the scope of the litigation. Without knowing exactly what Chevron intends to prove or what evidence Chevron intends to use, the Defendants’ ability to formulate their defenses fully is impaired. As of this filing, Defendants have not received a witness list or proposed facts for stipulation from the Plaintiff.

Admittedly, Defendants were unable to advance their portions of the pretrial order to the Plaintiff, nevertheless, as Defendants explained repeatedly: Defendants’ lack of resources and time impaired Defendants’ ability to make adequate progress on their material sufficiently in advance to make its prior disclosure a worthwhile exercise. Nevertheless, as always, Defendants are committed to meet and confer with Plaintiff to deliver a final proposed joint pretrial order.

Furthermore, Defendants understood from the last court conference that the Court regarded the submission of a proposed verdict form a priority and in due course focused their limited resources to that project, and exchanged comments and a draft with the Plaintiff and for its consideration. Defendants’ draft proposed verdict form is filed separately, with similar reservation to amend and/or supplement.

The Defendants make these submissions in a good faith effort to comply with the deadline established by the Court. Nonetheless, for the reasons stated in the pending motion for continuance, and separate motion for a stay, these portions of the pretrial order are preliminary, as is the proposed verdict form; the Defendants have requested and continue to request additional time to amend and/or supplement the information they contain.

The Defendants also have not had sufficient time to review the limited material supplied by the Plaintiff. The Defendants reserve the right to object to those items after they have had an ability to review them in sufficient detail.

I. NATURE OF THE CASE

Chevron contends that it has suffered certain damages as a result of alleged fraud. The Defendants deny these allegations and contend that this action is part of an overall strategy by Chevron seeking to avoid its responsibilities for environmental contamination in Ecuador.

II. JURY/NON-JURY

A jury has been demanded by all of the parties. Depending on exactly what evidence the Plaintiff intends to present, the Defendants believe that the trial will take between 8 to 16 weeks.

III. STIPULATED FACTS

None. The Plaintiff has not provided the Defendants with any proposed stipulated facts.

IV. EXHIBITS

The Defendants' preliminary list of exhibits is filed contemporaneously herewith as Exhibits 1 and 2. The Defendants reserve the right to use any document appearing on Plaintiff's exhibit list or otherwise referenced in its pretrial submission.

V. GENERAL PROVISIONS, STIPULATIONS AND OBJECTIONS WITH RESPECT TO EXHIBITS.

The Defendants have not had sufficient time to review and/or respond to Chevron's 193

page draft list of over 2,200 exhibits, which was emailed to Defendants at 11:30 p.m. on Tuesday, August 27, 2013. The Defendants are also presently unable to discern whether that list of exhibits is exactly the same as the list of exhibits that ultimately will be included in Chevron's pretrial order. The Defendants reserve the right to stipulate or object to individual exhibits after the Defendants have had a reasonable time to review those exhibits.

VI. PLAINTIFF'S WITNESS LIST

No witness list was provided by Plaintiff to the Defendants.

VII. DEFENDANTS' WITNESS LIST

The Defendants reserve the right to amend or supplement the following list after they have had a chance to review Chevron's pretrial submission.

Fact Witnesses:

1. Hugo Camacho, *Defendant*
2. Javier Piaguaje, *Defendant*
3. Steven Donziger, *Defendant*
4. Humberto Piaguaje
5. Mariana Jimenez Abad
6. Ermel Chavez
7. Judge Nicolas Zambrano
8. Alejandro Ponce Villacis
9. Luis Yanza
10. Julio Prieto
11. Cristobal Bonifaz (live or by deposition if not available)
12. Alberto Wray (live or by deposition if not available)
13. Atossa Soltani
14. Ted Dunkelberger (live or by deposition if not available)
15. Karen Hinton
16. Donald Moncayo (live or by deposition if not available)
17. Santiago Escobar (live or by deposition if not available)
18. Jhinsop Martinez (live or by deposition if not available)
19. Lou Dematteis
20. Richard Cabrera

21. Siona ("ONISE") representative: Hugo Payaguaje or Adan Maniguaje
22. Secoya representative: Humberto Piaguaje
23. Cofan ("FINCE") representative: Robinson Yumbo

24. Kichwas representative:	Guillermo Grefa
25. Huaorani representative:	Cesar Nihua
26. Atacapi Field Afectados representative:	Cesar Pazmino
27. Lago Agrio Field Afectados representative:	Donald Moncayo
28. Parahuacu Field Afectados representative:	Manuel Asansa or Marco Ajila
29. Shushufundi Field Afectados representative:	Alejandro Soto
30. Yuca Field Afectados representative:	Medardo Shingre
31. Yulebra Culebra Field Afectados representative:	Oscar Machoa
32. Sacha Field Afectados representative:	Servio Curipoma
33. Aguarico Field Afectados representative:	Carmen Perez

34. Andres Rivero (Adverse) (live or by deposition if not available)

35. Adolfo Callejas (Adverse) (live or by deposition if not available)

36. Fernando Reyes (Adverse) (live or by deposition if not available)

37. Christopher Bogart (Adverse)

38. Douglas Beltman (Adverse) (live or by deposition if not available)

39. Ann Maest (Adverse) (live or by deposition if not available)

40. Diego Borja (Adverse) (live or by deposition if not available)

41. Sylvia Garrigo (Chevron, Mngr of Global Issues and Policy) (Adverse)

42. Chris Gidez (Hill & Knowlton, Chevron PR consultant) (Adverse)

43. Lydia I. Beebe (Chevron, Corporate Sec. and Chief Governance Officer) (Adverse)

44. Richard J. DeSanti (Chevron, Chief Environmental and Safety Council) (Adverse)

45. Sam Anson (Adverse)

46. Yohir Akerman (Adverse)

47. Oliver Beard (Adverse)

48. Alfredo Guerrero (Adverse)

49. Alberto Guerra (Adverse) (live or by deposition if not available)

50. Ricardo Reis-Vega (Adverse) (live or by deposition if not available)

51. John Watson (Adverse) (live or by deposition if not available)

52. Mark Quarles (live or by deposition if not available)

53. David Chapman (live or by deposition if not available)

54. Charles Champ (live or by deposition if not available)

55. William Powers (live or by deposition if not available)

56. Richard Kamp (live or by deposition if not available)

57. John Connor/GSI Environmental (Adverse) (live or by deposition if not available)

58. Joe Berlinger (live or by deposition if not available)

59. Lawrence Barnthouse (live or by deposition if not available)

60. Jonathan Shefftz (live or by deposition if not available)

61. Douglas C. Allen (live or by deposition if not available)

62. Robert Scardina (live or by deposition if not available)

63. Carlos Emilio Picone (live or by deposition if not available)

Expert Witnesses:

1. Juan Pablo Alban
2. Farith Simon
3. Raul Rosero

The Defendants also reserve the right to designate deposition testimony.

The Defendants have not had sufficient time review the 88 pages of deposition designations that were emailed by Chevron to the Defendants at 11:55 p.m. on Thursday, August 29, 2013, or the additional designations emailed by Chevron to the Defendants at 5:24 p.m today.

VIII. RELIEF SOUGHT

No further description of the relief sought has been provided by Chevron. Defendants seek dismissal of all claims with prejudice and an award of attorneys' fees, costs and any other relief that the Court deems just and proper.

//

//

//

Respectfully submitted,

Dated: August 30, 2013

GOMEZ LLC, Attorney at Law

By: /s/ Julio C. Gomez
Julio C. Gomez

The Sturcke Building
111 Quimby Street, Suite 8
Westfield, NJ
T: 908-789-1080
F: 908-789-1081
E-mail: jgomez@gomezllc.com

*Attorney for Defendants
Hugo Gerardo Camacho Naranjo and
Javier Piaguaje Payaguaje*

Dated: August 30, 2013

By: /s/ Steven R. Donziger
Steven R. Donziger
245 W. 104th Street, #7D
New York, NY 10025
Telephone: (917) 678-3943
Facsimile: (212) 409-8628
Email: StevenRDonziger@gmail.com

Pro Se

LAW OFFICES OF STEVEN R.
DONZIGER, P.C.

Dated: August 30, 2013

By: /s/ Steven R. Donziger
Steven R. Donziger
245 W. 104th Street, #7D
New York, NY 10025
Telephone: (212) 570-4499
Facsimile: (212) 409-8628
Email: StevenRDonziger@gmail.com

*Attorney for Defendants Law Offices of
Steven R. Donziger LLC and Donziger &
Associates, PLLC*